



Tree Removal Regulations (Summary of Proposed Updates)

Proposed amendments to the Tree Ordinance are summarized below.

Purpose

The purpose statement of the tree ordinance would be modified to identify the benefits of trees, while acknowledging that certain trees, due to their species, location, health and condition, etc., contribute more to the urban forest and provide more public benefits than others. Trees also can be burdens when located in a way that damages property, interferes with utilities, and impacts the economic use of property. In addition, non-native invasive tree species, diseased trees, hazardous trees, and trees with poor structural integrity can adversely affect public health, safety and welfare.

Definitions

Key new definitions include:

Protected Tree: The proposed amendments add “Heritage Trees” (Coast Live Oak, Valley Oak, Redwood, Madrone, Bay Laurel, or Buckeye having a single main stem or trunk of 10 inches or more diameter at breast height - DBH) and “Large Diameter Trees” (trees that are 16 inches or DBH, with the exception of Eucalyptus, Monterey Pine, Palm, or Acacia).

Damage & Severe Damage: The proposed amendments would replace the current definition of Damage with a definition of “Severe Damage” meaning any action undertaken which causes or may cause death or significant injury to a tree or its roots, or which places the tree in an irreversible state of decline.

Standard Tree Protection Measures

The revised ordinance would include the preparation of a schedule of standard tree protection measures that may be required as conditions of approval. The City would have the authority to approve alternative measures to better meet site conditions (on a case by case basis).

Permit Review Procedure

The Tree Ordinance is proposed to be administered with a tiered review system, as proposed for Single Family Design Review.

Tree Removal Fees & Replanting

The updated tree ordinance would base tree removal fees and replanting primarily on tree size, species, and condition. The total amount collected for tree removal would not exceed the value of the tree(s) being removed.

Criteria for Permit Determination

The proposed amendments would require the reviewing authority to base its determination to approve, conditionally approve or deny an application for a tree removal permit on a balancing of the criteria provided in the table below. This balance would occur with both criteria supporting removal and criteria supporting retention of trees. Discretion would be applied in that all criteria would not necessarily be weighted equally.

(1) Criteria Supporting Removal	(2) Criteria Supporting Retention
<p>(A) The tree is: (i) in poor condition; (ii) at the relative end of its life span of the particular species; (iii) diseased or infested beyond reasonable attempts at remediation; (iv) has poor structural integrity; (v) is in danger of falling; or, (vi) poses a safety hazard.</p> <p>(B) The particular tree species is undesirable due to characteristics such as invasiveness, tendency toward limb failure, and fire hazards.</p> <p>(C) The tree is damaging or interfering with existing structures site improvements and utility services.</p> <p>(D) Removal of the tree is needed in order to construct improvements or otherwise allow conforming use of the property.</p> <p>(E) Proximity of the tree to existing or proposed structures.</p>	<p>(A) The tree is located outside of the developable area of the property.</p> <p>(B) The tree and its location contribute substantially to the aesthetic appeal of the property or the neighborhood.</p> <p>(C) The effect of the requested tree removal on the remaining number, species, size and location of existing trees on the site and in the area, including trees mutually dependent on each other for survival, structural integrity or aesthetics.</p>

Conditions of approval

Under the proposed ordinance, the review authority could also require project conditions to mitigate for the loss of the tree, provided that these conditions reasonably relate to the particular impacts caused by the tree removal and are not disproportional to those impacts (see following Table).

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(b) **Conditions of Approval.**

- (1) For each tree removed, the applicant must pay a removal fee or replant trees, or both, in accordance with a schedule adopted by the city council.
- (2) The reviewing authority may impose conditions of approval in addition to those in subsection when City staff has determined that the tree removal may substantially affect erosion or soil retention.
- (3) Conditions imposed by the reviewing authority must be reasonably related to the particular impacts caused by the tree removal and not disproportional to those impacts.